

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA  
Civil No. 16-2006(DSD/FLN)

Eugene V. Joiner,

Plaintiff,

v.

**ORDER**

Metro Transit Police, et al.,  
Hennepin County Detention Center,  
County Board, et al.,

Defendants.

Eugene V. Joiner, 1516 West Lake Street, Suite 200-D,  
Minneapolis, MN 55408, plaintiff pro se.

Nathan Midolo, Esq. and Iverson Reuvers Condon, 9321 Ensign  
Avenue South, Bloomington, MN 55438, counsel for defendants  
Metro Transit Police Dept. and Metro Transit Authority, et al.

James W. Keeler, Jr., Hennepin County Attorney, 300 South 6<sup>th</sup>  
Street, Suite C2000, Minneapolis, MN 55487, counsel for  
Hennepin County Board of Directors, Hennepin County Detention  
Center, Hennepin County Sheriff's Department, County Board.

This matter is before the court upon the motion to dismiss by  
defendant Hennepin County. Plaintiff Eugene Joiner did not contest  
the motion and did not appear at the hearing.

Based on a review of the file, record, and proceedings herein,  
and for the reasons set forth in Hennepin County's moving papers,  
the motion is granted. The court specifically notes that it  
dismisses the originally filed complaint, ECF No. 1. After  
initiating this suit on June 20, 2016, Joiner filed two separate  
amended complaints on August 18, 2016, addressing the same

incident, but containing separate factual allegations against different defendants. See ECF Nos. 9 and 10. The magistrate judge ordered Joiner to file a consolidated amended complaint on or before September 5, 2016. See ECF No. 11 at 1 ("If Plaintiff desires that all of the allegations contained in ECF Nos. 9 and 10 be a part of this lawsuit, Plaintiff must file one single consolidated Amended Complaint that contains all of the pertinent allegations against all named Defendants in this action."). Joiner failed to do so. As a result, the court considers the originally filed complaint the operative pleading in this matter.

Accordingly, based on above, **IT IS HEREBY ORDERED** that:

1. The motion to dismiss [ECF No. 15] is granted; and
2. Hennepin County is dismissed from this matter without prejudice.

Dated: December 2, 2016

s/David S. Doty  
David S. Doty, Judge  
United States District Court